

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIFFANY DENISE DALE,

Defendant.

CR 14-22-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 4, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Tiffany Denise Dale’s guilty plea after Dale appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 371 (Count I) and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count XXIV), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II-IV, VII, IX-XIII, XV, XVII-XXIII, and XXV of the Indictment no later than 21 days after the issuance of a written judgment if the Court accepts the Plea Agreement and the Defendant complies with Paragraph 9 of the Plea Agreement.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 36), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Tiffany Denise Dale's motion to change plea (Doc. 19) is GRANTED and Tiffany Denise Dale is adjudged guilty as charged in Counts I and XXIV of the Indictment.

DATED this 5th day of January, 2015.



Dana L. Christensen, Chief District Judge
United States District Court